

DUTTON/BRADY SCHOOL DISTRICT #28 3-11-2009101 2nd St. NE
Dutton, MT 59433BILL NO. HB 488Dutton/Brady K-12
HS: (406) 476-3424
Elem: (406) 476-3201
Fax: (406) 476-3342*Tim Tharp, Superintendent/7-12 Principal/AD*
Norma Clements, Elem Principal/K-12 Counselor
*Betty Brumwell, Business Manager*Hutterite Colonies
Birch Creek Colony 279-3430
Pondera Colony 279-3464
Midway Colony 278-9182*Testimony in Opposition to HB 488*

- As you may know, a small-school superintendent must wear many hats. Specifically I serve as the district superintendent, 7-12 principal, and district activities director. In addition, last Saturday I was manning a mop due to a washing machine that malfunctioned after a JH basketball game and on Monday I was the guest chef in the home ec class teaching the kids how to make appetizers. The point being that I don't spend a great deal of time just sitting around; which is exactly why I love my job. Speaking of sitting around, this bill sat around in the House Ed committee for quite some time and happened to be brought forth for action while I was running a basketball tournament in Shelby and could not possibly get away. I did send written testimony, contacted as many members of the committee that I could, and shared my testimony with MREA Executive Director, Dave Puyear. What I want to make clear is that this bill didn't get through House Ed because we weren't paying attention—the problem was that I had no way to refute anything that was said there. I did listen to the audio testimony and was shocked at many of the allegations made in House Ed.
- Testimony given in House Ed indicates that some people believe that rules were changed midway through the process which created a situation where landowners couldn't change boundaries—this isn't the case, the same petition process for boundary change is still in state law.
- Testimony given seemed to indicate that after three years after consolidation the patrons in the former Brady District #19 could then decide what to with their land—this isn't true, consolidation is forever. There were MANY public meetings and special newsletters sent out to patrons of both districts for two years preceding the eventual consolidation. And it is important to point out that Brady approached Dutton regarding consolidation and voted overwhelmingly to approve to consolidate in 2004 while the same consolidation referendum failed in Dutton. When the Conrad School district was approached by Brady, Conrad was more than willing to annex the land but offered no guarantee of keeping the Brady building open for any period of time and weren't going to create any opportunities for Brady patrons to serve on the board. After the consolidation vote failed in Dutton the first year, I had to make cuts to our programs in Dutton, and the following year both districts ran consolidation votes again; and it passed in both districts. It's important to point out that there was an average of 62% voter turn-out in Brady over those two years; and they voted two-to-one to support consolidation in 2004 and nearly three-to-one to consolidated with Dutton in 2005. I tell you this to point out that Brady patrons WANTED this consolidation. They knew it was the best thing for the students of the district.

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- Testimony given in House Ed was that 30 student cross the boundary to attend school in Conrad. The fact is that the vast majority (more than 20) of these students and their families have ALWAYS traditionally attended school in Conrad and many of these families have petitioned in the past to remove their land from Brady and go north. Nothing has changed other than now it is Dutton/Brady land instead of Brady land. Arguments that there has been an exodus of students from Dutton/Brady due to consolidation or the closure of the Brady campus are disingenuous. In fact, the last petition to transfer land from Brady to Conrad came before the Brady board in November of 2003; a petition which they unanimously denied.
- Testimony given in House Ed attempted to bash the Dutton/Brady district for failing to allow Conrad buses to cross their boundaries. First of all, this is COMMON PRACTICE. School districts are fiercely protective of their boundaries and it would be ludicrous to allow out-of-district buses in to pick up kids and drive them out of the district—this being said, it is also a lie! We DO have a section of land that the board votes every year to let Conrad come into and pick up students.
- This land in the Dutton/Brady district where we allow Conrad buses to operate is owned by the same group of patrons who have a history of petitioning the Brady District requesting land transfer—petitions that I previously told you that the Brady Board always rejected. Since consolidation, we have NOT received a request to transfer this land; but we annually approve letting the Conrad buses enter our district. Why do we need to consider a change in the law if no attempt has been made to utilize current law? Depending on your interpretation of the transfer law, a petition for land transfer could have been presented to Dutton/Brady immediately when we opened our doors on July 1, 2005 or four years after the last request to Brady and come to us in November of 2007. No such proposal has ever been presented.
- At the very least, I ask you to table this bill and refer it to an interim committee to study. The issue of school district territory transfer has been studied many times in the past by previous legislatures and I caution you about passing something so tightly limited that provides for different treatment of only one district in the state.
- It was brought up in House Ed that the board recently voted to do away with trustee precincts, against the results of a survey given to patrons. The fact is that three independent school-law attorneys all told us that the way we initially set up trustee precincts was possibly not legal. We were told that what we did was not specifically excluded by law, but it also was not specifically allowed by law. All we did was make sure that we were following the laws so that we would not face a threatened legal challenge that we would certainly have lost. We had initially set up a system of electing two trustees from Dutton, two from Brady and one at large. While it may have seemed fair when we set it up, there is no point in spending court costs to fight for something we would lose.

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- Testimony allowed in House Ed accused Dutton people of being “vultures” and people in Brady of being “their prey”. This came from a Conrad person who isn’t even a patron of the district, so I don’t know why it was allowed. But it does describe some of the animosity that exists. Ask anyone who has gone through a school district annexation or consolidation—it is a very painful process. There are certainly going to be perceived winners and losers in any such action. Just looking around the state in recent years, we have seen NorthStar formed out of two previously consolidated districts (Big Sky—Rudyard & Hingham & K-G—Kremlin & Gildford); CJI formed by Chester and the Joplin-Inverness consolidation; Outlook annexed by Plentywood; Flaxville annexed by Scobey; and Peerless closing their doors at the conclusion of this school year. And these examples are only going back the past five years! Yes, this is painful, but we must focus on how to provide educational opportunities for all students in a state with a changing population-distribution. Personal attacks will not solve problems. If you wish, my friend Dave Puyear can provide testimony as to the issues that exist in a consolidated district as he was a superintendent in a consolidation on the hi-line prior to the recently created NorthStar School.
- It is very important to point out that while the adults have struggled with the consolidation, it has been very good for the kids. We’ve been able to offer programs that both Dutton and Brady had either cut, considered cutting, or had never had before. We took two staffs and put them together getting teachers all in their areas of strength and have had NO accreditation ‘dings’ since consolidation. You also need to realize that the very few students that have left the district have been because of parental issues, not because there were problems with the programs we were offering the students. The concept of an exodus due to consolidation or building closure simply is not true.
- The concept of ‘unintended consequences’ has been hammered over and over. The fact is that nothing was really taken away from any voter or patron of the district with the changes to law created by HB744 which overwhelmingly passed the legislature in 2007. Again, nobody has attempted to utilize the law—let it work before you consider a change. And if we are going to be concerned about unintended consequences, we need to be aware of the impact that it would have on all of the other tax-payers of the district if the total valuation of the district were reduced and the tax obligation is split up amongst a smaller group of tax-payers.
- The most confusing part of the bill is the additional language in line 25. It state, “*school districts that consolidated . . . may petition for changes.*” People from Conrad spoke in favor of this bill which would indicate that they believe that they could petition for border changes. HOWEVER, Dutton/Brady is the ‘school district that consolidated’, so we as the district could file for a change—but why would we want to? It doesn’t apply to Conrad, so I don’t know what they think they could accomplish. And there is no longer a Brady School District, so patrons of that former district have no legal standing separate from Dutton/Brady. The new language is extremely ambiguous at best, so

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I honestly am not sure what passage would mean. As stated previously, nobody from Dutton/Brady has presented any such request to transfer land.

- The bill if approved applies to only ONE school district. The law might as well say that the petition process to change school boundaries will be THIS way for Dutton/Brady but another way for everyone else in the state. This is inherently unfair; the legislature is not the place to take a grievance over boundary issues.
- The most disconcerting part about all of this is that it is a blatant attack on the Dutton/Brady school district by a minority of people who have an obvious intention to cause harm to our district. Detractors have chosen NOT to try to pursue boundary changes via current existing law and instead are trying to go a different direction which only serves to waste everyone's time including that of this legislature. I personally don't see how it could be legally justified for the legislature to pass a set of rules for the entire state but impose a different set of rules that specifically applies only to Dutton/Brady Schools.
- The bottom line for me is that there are three issues here:
 - I implore you to recognize this as an attempted predatory attack on the boundaries of the Dutton/Brady School District by a minority of people who have not attempted to utilize current law. There is no reason to change the law claiming that it doesn't work if it hasn't been tried.
 - This law, if approved, would apply to only ONE school district in the state—besides being inherently not fair and potentially illegal, I need you to consider if this is worthy of the legislature's time.
 - The language is ambiguous at best, and I'm honestly not sure what the ramifications would be if you were to pass this. There will be written testimony from Attorney Rich Batterman to address this concern.

I ask you to table HB488. Thank you for your time and consideration.

Sincerely,



Tim Tharp, Superintendent
Dutton/Brady Public Schools